

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	No. CR-07-170-FVS
Plaintiff,)	
)	ORDER GRANTING DEFENDANT'S
v.)	UNOPPOSED MOTION TO
)	RECONSIDER DETENTION AND
JAMES DALE MIDWELL,)	ORDER SETTING CONDITIONS OF
)	RELEASE
Defendant.)	

At the February 12, 2008, hearing on Defendant's Motion to Reconsider Order of Detention, Assistant Federal Defender Christina Hunt appeared with Defendant; Assistant U.S. Attorney Stephanie Lister represented the United States. The United States did not oppose Defendant's release into inpatient treatment. Accordingly,

IT IS SO ORDERED the Defendant's unopposed Motion (**Ct. Rec. 27**) is **GRANTED**. Defendant shall be released on the following conditions:

1. **Prior to release**, an agreed Motion and proposed order shall be presented setting forth the inpatient treatment facility and the date of Defendant's entry date.

2. Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise his supervising Pretrial Services Officer and his attorney within one business day of any charge, arrest, or contact with law enforcement.

3. Defendant shall advise the court and the United States

1 Attorney in writing before any change in address.

2 4. Defendant shall appear at all proceedings and surrender as
3 directed for service of any sentence imposed.

4 5. Defendant shall sign and complete form A.O. 199C before
5 being released and shall reside at the address furnished.

6 6. Defendant shall remain in the Eastern District of
7 Washington while the case is pending. On a showing of necessity,
8 Defendant may obtain prior written permission to leave this area
9 from the United States Probation Office.

10 7. Defendant shall not possess a firearm, destructive device
11 or other dangerous weapon.

12 8. Defendant is further advised, pursuant to 18 U.S.C. §
13 922(n), it is unlawful for any person who is under indictment for a
14 crime punishable by imprisonment for a term exceeding one year, to
15 possess, ship or transport in interstate or foreign commerce any
16 firearm or ammunition or receive any firearm or ammunition which has
17 been shipped or transported in interstate or foreign commerce.

18 9. Defendant shall refrain from the use of alcohol, and the
19 use or possession of a narcotic drug and other controlled substances
20 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical
21 practitioner.

22 10. Defendant must complete inpatient treatment at the
23 designated facility and shall comply with all of the rules of the
24 treatment program. If Defendant fails in any way to comply or
25 cooperate with the requirements and rules of the treatment program,
26 Pretrial Services shall notify the court and the U.S. Marshal, who
27 will be directed to immediately arrest the Defendant. The United
28 States Probation Office shall determine the time and place of

1 testing and evaluation and the scope of treatment. Defendant shall
2 be responsible for the cost of the treatment, unless he secures
3 funding. Full mutual releases shall be executed to permit
4 communication between the court, Pretrial Services, and the
5 treatment vendor. If random urinalysis testing is not done through
6 a treatment program, random urinalysis testing shall be conducted
7 through Pretrial Services, but shall not exceed six (6) times per
8 month.

9 11. Defendant shall report to the United States Probation
10 Office before or immediately after his release and shall report as
11 often as they direct, at such times and in such manner as they
12 direct. Defendant shall contact his attorney at least once a week.

13 12. Unless an outpatient or aftercare plan is presented to
14 the court, in a timely manner, prior to completion of inpatient
15 treatment, Defendant shall return to the custody of the U.S. Marshal
16 upon completion of the inpatient treatment.

17 Defendant is advised a violation of any of the foregoing
18 conditions of release may result in the immediate issuance of an
19 arrest warrant, revocation of release and prosecution for contempt
20 of court, which could result in imprisonment, a fine, or both.
21 Specifically, Defendant is advised a separate offense is established
22 by the knowing failure to appear and an additional sentence may be
23 imposed for the commission of a crime while on this release. In
24 this regard, any sentence imposed for these violations is
25 consecutive to any other sentence imposed.

26 DATED February 13, 2008.

27 S/ CYNTHIA IMBROGNO
28 UNITED STATES MAGISTRATE JUDGE